

REMARKS

Upon entry of the present amendment, claims 1-11 and 13-18 will remain pending in the above-identified application, with claims 1-11 and 13-14 standing ready for further action on the merits, and claims 15-18 standing withdrawn from further consideration based on an earlier restriction requirement of the Examiner.

Claims 1, 4, 6-7, 9-11 and 13-14 have been amended, and claim 12 has been canceled. The present amendments made herein to the claims do not introduce new matter into the application as originally filed.

Claim Rejections 35 USC § 112

Claims 1,4, 6, and 9-12 have been rejected under 35 USC § 112, second paragraph. Reconsideration and withdraw of this rejection is requested based on the amendments made herein to the pending claims, and the following considerations.

Claims have been amended herein based on the Examiner's explicit comments and suggestions set forth at pages 2-3 of the outstanding office action. (See items "A." to "G." in paragraph "7." of the outstanding office action.) As such, it is believed that the outstanding rejection has been rendered moot by way of the instant amendment of the claims. Even so, the following comments are additionally presented for the Examiner's consideration.

At page 2 of the outstanding office action, the Examiner suggests that the phrase "a pharmaceutically acceptable derivative thereof" in claim 1 should be amended to "a pharmaceutically acceptable salt thereof". However, since a carboxylic acid ester of the formula (I) is supported as examples 13, 15 and 17-20 as well as a salt of the formula (I), the Applicants submit that the phrase should be amended as "a carboxylic acid ester and or a pharmaceutically

acceptable salt thereof". As the phrase "carboxylic acid ester" is clear, it is submitted that the same phrase is fully acceptable under the provisions of 35 USC § 112.

It is additionally noted that claim 12 has been canceled herein, so that the Examiner's concerns regarding claim 12 are rendered moot.

Allowable Subject Matter

The USPTO has objected to claims 2, 3, 5, 8, 13 and 14 as being dependent upon a rejected base claim, but indicates that the claims are otherwise allowable.

However, by amending claims 1, 4, 6-7, 9-11 and 13-14 as provided for herein, it is submitted that each of pending claims 1-11 and 13-14 are all now in condition for allowance. As such, withdrawal of the outstanding objection is respectfully requested at present.

CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of pending claims 1-11 and 13-14 are allowed and patentable under the provisions of Title 35 of the United States Code.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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